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CONNECTICUT GENERAL ASSEMBLY

January Session, 2011

Raised Bill No. 6340

An Act Concerning the Placement of Children in Out-of-State Treatment Facilities

Select Committee on Children

REMARKS OF ATTY. MICHAEL H. AGRANOFF

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Thank you for the opportunity to present written testimony. I have been a DCF defense lawyer since 1991. At present, ours is the only law firm in the State of Connecticut devoted full-time to full-service DCF defense for adults.

I respectfully oppose passage of this bill, not because I disagree with its intent, but because I think it would produce unworkable results and generate costs needlessly.

No one wants to place children out-of-state. The reason for any such placement is that Connecticut does not have the facilities to provide treatment for certain children. In that case, the out-of-state placement, however expensive, is less costly than doing nothing and risking an in-state disaster.

The argument may be raised that out-of-state placement will still be allowed if the court specifically approves it. The problem with that may be illustrated by one case (of many) that this office is handling. Our client has a non-verbal autistic child who is prone to violent tantrums and outbursts. She was placed out-of-state, with everyone's approval, because Connecticut had no appropriate facility. Should this bill pass, she would either have to be returned, or we would need a special court order and updated quarterly status reports. This is wasteful, and would degenerate into a form-filling exercise.

If a child is placed out-of-state against the wishes of the parent or the child's attorney, then a motion can always be filed to change placement in the child's best interest. The bill actually places a burden on DCF, when there is no need to do so in the first place. DCF does not place children out of state if that is avoidable; and should not be subjected to additional cost, at taxpayer expense, when it is not avoidable.

As to the possible allegation that DCF is placing children out-of-state willy-nilly, this is simply not true in my experience. I see no reason to add additional paperwork in State courts that are already overburdened.

I also respectfully object to amending the reporting section of C.G.S. Sec. 17a-62 to include gathering data by race. I do this for two reasons: confusion or inaccuracy may result in

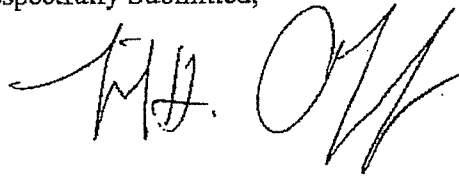
the case of racially-mixed children; and there is no logical reason for the added expense of gathering statistics by race.

Having lived through the civil rights era, when racially-based laws and quotas were struck down, I am saddened to see them arise again. As a taxpayer, I object to seeing my tax dollars used for this purpose, unless I am convinced that there is a clear-cut reason for it.

I have had many battles with DCF over the past nearly 20 years. I have never noticed any racial or ethnic bias on DCF's part in all that time.

If any person has any questions, please e-mail to me directly, and I will respond promptly.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'M.H. Agranoff', with a stylized flourish at the end.

MICHAEL H. AGRANOFF

Attorney At Law

mha.LOB.testimony.kids.OOS

